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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,823	11/26/2003	Norio Kainuma	2309.68752	9364

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EXAMINER

JACKSON, TYRONE D

ART UNIT PAPER NUMBER

2862

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/722,823	Applicant(s) KAINUMA ET AL.	
	Examiner Tyrone Jackson	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Response filed November 14, 2005 has been entered and considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Jurgenson {US Pub. 2004/0231139}.

Regarding claim 1, Jurgenson discloses a magnetic head testing device, in which a medium is rotated to float a slider from the medium (paragraph 0032), comprising: a holder (36) removably holding the slider opposed to a surface of the medium, Fig. 4; and suspension means being provided on the holder (20, the flexure), which has the same function as a suspension supporting the slider in a real apparatus.

Regarding claim 2, Jurgenson discloses the magnetic head testing device above further comprising: a holder base (16, the load beam is the base of the flexure which includes the holder, therefore 16 is the base of the holder) inclinably holding the holder; and means for always biasing the holder toward the medium (Fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 6, 7 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurgenson.

Regarding claims 3, 11, and 14, Jurgenson discloses the magnetic head testing device as described above. Jurgenson does not specifically disclose using a supporting pin to inclinably support the holder with respect to the holder base and a loose hole for receiving the supporting pin. However, Jurgenson does use a supporting dimple (42) to support and contact a load center of the holder for inclinably supporting the holder with respect to the holder base (page 4 paragraph 0030). Jurgenson also discloses a biasing means provided to bias the supporting dimple (Fig. 3, page 4 paragraph 0032). It would have been obvious to one of ordinary skill in the art to use a pin instead of a dimple because they have the same function of supporting a load center and allowing the slider to pitch, roll, and incline with respect to the medium (page 5 paragraph 0032). (See MPEP 2144.03)

Regarding claim 4, Jurgenson discloses the magnetic head testing device as described above further comprising an elastic member (20) being provided between the holder and the holder base so as to limit inclination of the holder (Fig. 3).

Regarding claim 7, Jurgenson discloses the magnetic head testing device as described above in which the elastic member is a leaf spring of the holder, as can be seen in Fig. 3, which suspends the holder.

Regarding claim 6, Jurgenson discloses a magnetic head testing device that includes a cushion. By definition, a cushion is "something resilient used as a support or shock absorber". In light of this definition, the spring (20) is read as a cushion.

Regarding claims 12, Jurgenson discloses the magnetic head testing device as described above further comprising a biasing member for biasing the supporting pin (dimple) against the holder (Fig. 3, page 4 paragraph 0032).

Regarding claim 13, Jurgenson discloses an accommodating hole, in the holder base, for receiving the holder therein (Fig. 2, paragraph 0030).

Regarding claim 15, Jurgenson discloses the magnetic head testing device as described above further comprising a biasing member for biasing the supporting pin (dimple) against the holder (Fig. 3, page 4 paragraph 0032). Jurgenson further discloses an accommodating hole, in the holder base, for receiving the holder therein (Fig. 2, paragraph 0030). As discussed above, Jurgenson does not specifically disclose a supporting pin with a loose hole. However, Jurgenson does disclose a supporting dimple (42), which provides the same function of a supporting pin and loose hole by allowing the slider to pitch, roll, and incline with respect to the medium (page 5 paragraph 0032). (See MPEP 2144.03)

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jurgenson in view of Yoneyama et al. {6,856,469}.

Jurgenson discloses the magnetic head testing device as described above but fails to disclose using a coil spring as the elastic member. Yoneyama et al. discloses using a coil spring as opposed to a leaf spring in an apparatus for supporting a holder (column 3 line 66). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a coil spring as disclosed by Yoneyama et al. in the system taught by Jurgenson because a coil spring provides the same function of resiliently and moveably supporting a holder (column 3 line 67).

Allowable Subject Matter

Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, the prior art does not disclose a magnetic head tester using a liquid stored in the holder base, in which the holder is floated on and supported by the liquid, in combination with the other features of the claim.

Regarding claim 9, the prior art does not disclose utilizing a plurality of supporting pins being biased toward a hemispheric base so as to slidably support a spherical face of the hemispheric base, in which the axial lines of the supporting pins are radially

arranged with respect to a center of the hemispheric base, in combination with the other features of the claim.

Regarding claim 10, the prior art does not disclose a hemispheric base supporting a slider on a flat face with the hemispheric base being slidably supported by the holder base. Furthermore, the prior art does not disclose a plurality of air holes being central-symmetrically formed in the holder base and radially arranged with respect to a center of the hemispheric base, in which air is jetted toward a spherical face of the base from the air holes, in combination with the other features of the claim.

Response to Arguments

Applicant's arguments in the remarks filed November 14, 2005, with respect to the rejection of claims 1-7 have been fully considered and are persuasive in part. In response thereto, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made.

Regarding claim 1, in response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "suspension means" *can not* be a real suspension) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, in this case, the Office takes the position that a suspension is a suspension means.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone Jackson whose telephone number is (571) 272-8454. The examiner can normally be reached on Mon.-Fri. 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tyrone Jackson


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February 2, 2006